



*JPW*

Practitioner's Docket No. U 016310-9

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

**OR**

In re application of: Andreas CADUFF, et al

Serial No.: 10/580,209 ✓

Group No.: - -

Filed: May 22, 2006

Examiner: - -

For: A DEVICE AND METHOD FOR MEASURING A PROPERTY OF LIVING TISSUE

**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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**37 C.F.R. 1.8(a)**

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**TRANSMISSION**

- ☐ transmitted by facsimile to the Patent and Trademark Office. to (571)-273-8300

Date: August 1, 2006

Signature

WILLIAM R. EVANS

*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

*8*

NOTE: 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

**WARNING:** *No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

NOTE: *The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).*

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

NOTE: *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

NOTE: *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

NOTE: *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

If a fee is required, please charge deposit account 12-0425.

  
\_\_\_\_\_  
**SIGNATURE OF PRACTITIONER**

**WILLIAM R. EVANS**  
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(type or print name of practitioner)

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Andreas **CADUFF**, et al

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Attorney Docket No.: U 016310-9

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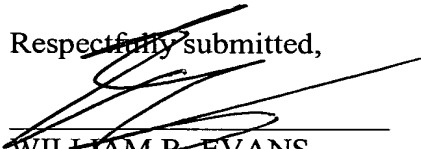
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Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

We draw the attention of the Examiner to the attached references (first page only for  
U.S. patent publications) which are also listed on the attached Form PTO-1449.

Respectfully submitted,

  
**WILLIAM R. EVANS**  
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NEW YORK, NY 10023  
REG. NO. 25,858; (212) 708-1930

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

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**37 C.F.R. 1.10\***

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☐ transmitted by facsimile to the Patent and Trademark Office. to **(571)-273-8300**

Date: August 1, 1006

Signature

WILLIAM R. EVANS

*(type or print name of person certifying)*

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

FORM PTO-1449

U. S DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

SERIAL NO.

U 016310-9

10/580,209

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

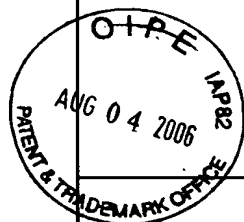
(Use several sheets if necessary)

APPLICANT

Andreas CADUFF et al.

FILING DATE

GROUP



## U.S. PATENT DOCUMENTS

EXAMINER INITIALS	REFERENCE DESIGNATION	DOCUMENT NUMBER	DATE	NAME	FILING DATE IF APPROPRIATE
	AA	2002/0106709	08/2002	Potts et al.	
	AB	2002/0155615	10/2002	Novikov et al.	
	AC	2003/0153821	08/2003	Berner et al.	
	AD	2004/0104736	06/2004	Cohen et al.	
	AE	2004/0133353	07/2004	Geutebruck	
	AF	2004/0147819	07/2004	Caduff et al.	
	AG	2004/0240512	12/2004	Pesach	
	AH	2005/0101842	05/2005	Suda	
	AI	2005/0113662	05/2005	Kjennati et al.	
	AJ	4,509,531	04/1985	Ward	
	AK	4,679,426	07/1987	Fuller et al.	
	AL	4,765,179	08/1988	Fuller et al.	
	AM	4,875,486	10/1989	Rapoport et al.	
	AN	5,050,612	09/1991	Matsumura	
	AO	5,077,476	12/1991	Rosenthal	
	AP	5,109,855	05/1992	Gunter	
	AQ	5,353,802	10/1994	Ollmar	
	AR	5,508,203	04/1996	Fuller et al.	
	AS	5,771,891	06/1998	Gozani	
	AT	5,792,668	08/1998	Fuller et al.	
	AU	5,804,967	09/1998	Miller et al.	
	AV	5,890,489	04/1999	Elden	
	AW	6,028,433	02/2000	Cheiky-Zelina et al.	
	AX	6,182,504	02/2001	Gaisford	
	AY	6,309,884	10/2001	Cooper et	
	AZ	6,356,776	03/2002	Berner et al.	

EXAMINER

DATE CONSIDERED

EXAMINER:

Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449     U. S DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)		<b>ATTY. DOCKET NO.</b>		<b>SERIAL NO.</b>		
		<b>U 016310-9</b>		<b>10/580,209</b>		
		<b>APPLICANT</b>				
		<b>Andreas CADUFF et al.</b>				
		<b>FILING DATE</b>		<b>GROUP</b>		
<b>U.S. PATENT DOCUMENTS</b>						
<b>EXAMINER INITIALS</b>	<b>REFERENCE DESIGNATION</b>	<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>FILING DATE IF APPROPRIATE</b>	
	AA	6,517,482	02/2003	Elden et al.		
	AB	6,565,509	05/2003	Say et al.		
	AC	6,723,048	04/2004	Fuller		
<b>FOREIGN PATENT DOCUMENTS</b>						
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>TRANSLATION</b>	
					<b>YES</b>	<b>NO</b>
	AC	395 075	09/1992	AT		X
	AD	100 35 415	01/2002	DE		X
	AE	30 17 168	11/1981	DE		X
	AF	0 266 434	10/1995	EP		
	AG	0 298 441	01/1989	EP		X
	AH	0 309 085	03/1989	EP		
	AI	1 092 386	04/2001	EP		X
	AJ	1 599 241	09/1981	GB		
	AK	2 033 575	05/1980	GB		
	AL	2 055 206	02/1981	GB		
	AM	2 100 864	01/1983	GB		
	AN	9-201337	08/1997	JP		X
	AO	2000-162176	06/2000	JP		X
	AP	62-83649	04/1987	JP		X
<b>OTHER ART     (Including Author, Title, Date, Pertinent Dates, Etc.)</b>						
	AQ	English Abstract of AT 395 075 dated September 10, 1992				
	AR	English Abstract of DE 100 35 415 dated January 31, 2002				
	AS	English Abstract of EP 1 092 386 dated April 18, 2001				
	AT	Patent Abstracts of Japan of JP 9-201337 dated August 5, 1997				
	AU	Patent Abstracts of Japan of JP 2000-162176 dated June 16, 2000				
	AV	Patent Abstracts of Japan of JP 62-83649 dated April 17, 1987				
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>		
<b>EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						

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		<b>Andreas CADUFF et al.</b>				
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	AA					
	AB					
	AC					
<b>FOREIGN PATENT DOCUMENTS</b>						
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>TRANSLATION</b>	
					<b>YES</b>	<b>NO</b>
	AC	2 069 863 ✓	11/1996	RU		X
	AD	2 073 242 ✓	02/1997	RU		X
	AE	2 088 927 ✓	08/1997	RU		X
	AF	1698724 ✓	12/1991	SU		X
	AG	00/43759 ✓	07/2000	WO		
	AH	00/09996 ✓	02/2000	WO		
	AI	01/36952 ✓	05/2001	WO		
	AJ	01/47415 ✓	07/2001	WO		
	AK	02/062214 ✓	08/2002	WO		
	AL	02/069791 ✓	09/2002	WO		
	AM	02/073179 ✓	09/2002	WO		
	AN	03/017834 ✓	03/2003	WO		
	AO	85/04481 ✓	10/1985	WO		
	AP	93/18395 ✓	09/1993	WO		
<b>OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)</b>						
	AQ	Derwent Abstract of RU 2 069 863 dated November 27, 1996				
	AR	English Abstract of RU 2 073 242 dated February 10, 1997				
	AS	English Abstract of RU 2 088 927 dated August 27, 1997				
	AT	Derwent Abstract of SU 1698724 dated December 15, 1991				
	AU					
	AV					
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	AB				
	AC				
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		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>	<b>TRANSLATION</b>
					<b>YES</b> <b>NO</b>
	AC	93/18402	09/1993	WO	
	AD	95/04496	02/1995	WO	
	AE	97/39341	10/1997	WO	
	AF	98/04190	02/1998	WO	
	AG	98/09566	03/1998	WO	
	AH	99/44495	09/1999	WO	
	AI	99/39627	08/1999	WO	
	AJ				
	AK				
<b>OTHER ART    (Including Author, Title, Date, Pertinent Dates, Etc.)</b>					
	AQ	Khalil, O. S. "Non-Invasive Glucose Measurement Technologies: An Update from 1999 to the Dawn of the New Millennium" <i>Diabetes Technology &amp; Therapeutics</i> (2002) Vol. 6, No. 5, pp 660-695			
	AR	Choleau, C. et al. "Prevention of Hypoglycemia Using Risk Assessment With a Continuous Glucose Monitoring System" <i>Diabetes</i> (2002) Vol. 51, pp 3263-3273			
	AS	Feldman, Y. "Time Domain Dielectric Spectroscopy: An Advanced Measuring System" <i>Rev. Sci. Instrum.</i> (1996) Vol. 67, No. 9, pp 3208-3216			
	AT	Feldman, Y. D. et al. "Time Domain Dielectric Spectroscopy. A New Effective Tool for Physical Chemistry Investigation" <i>Colloid &amp; Polymer Science</i> (1992) Vol. 270, No. 8, pp 768-780			
	AU	General Linear Least Squares in "Numerical Recipes in C: The Art of Scientific Computing" <i>Cambridge University Press. Programs</i> (1988) Chapter 15, pp 671-681			
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